

**Municipal Review Committee  
Town Hall Auditorium**

**November 17, 2003  
7:00 p.m.**

Committee Members Present:

Wendy Salvati, Chairperson  
Dan Michnik  
John Moulin  
Paul Shear  
Rich McNamara

Agenda Item I - Gables on the Green – Meteor Enterprises, LLC (Tom Hollander, Joe Strapeson) 180 Townhouse units in 90 buildings and 45 single-family homes on 160 acres.

Jim Callahan gave a brief history of the project. A Draft Environmental Impact Statement (DEIS) for the proposed development was submitted to the Town and reviewed by the board members. Jim said that the DEC called at 5:00 p.m. today and asked the board to table any action on this project tonight, so that they may have more time to provide a written commentary. Wendy Salvati said that the organization of the document needs to be worked on. A majority of the issues have been touched on.

Phil Sgamma was not able to be present and has submitted a letter that was read out loud (a copy is on file in the Planning and Zoning Office). Wendy Salvati said that the density of the subdivision was not addressed properly. “The rights enjoyed by the property owner now is agricultural density. You have requested a PURD rezoning, but do not currently have that right.” Jim Callahan stated that the density recommended in the Master Plan is 1.33 units/per acre under a Rural Residential classification.

Tom Hollander said that there is an additional element (to the density issue), that being the mention in the Master Plan relative to subdivisions in a sanitary sewer area. Wendy Salvati said that the Master Plan suggests steering new subdivisions into sanitary sewer districts, not outside of one. Tom Hollander asked what would the area become if they entered into a Sewer Works Corporation (with the Town). Wendy Salvati said that she did not know.

Wendy Salvati said that she would still like to know how far down is the groundwater and the bedrock. It is stated in the Appendix, but she needs it interpreted. She is not a technical expert, and needs the information to be summarized in the text.

John Moulin asked if the applicant addressed the low water pressure and volume.

Wendy Salvati said that the board is almost ready to accept the document as complete, but that she feels uncomfortable accepting the document without the input from the DEC and Erie County.

**ACTION:** Motion by John Moulin, seconded by Dan Michnik, that the item is tabled until comments are received from the DEC and ECDEP regarding wastewater and compliance with Master Plan 2015.

VOTING: All Ayes.

MOTION PASSED

Agenda Item II - Fox Trace East – Marrano Homes  
92 single-family homes on 53 acres of vacant/idle land

Wendy said that at the last meeting the discussion had focused around the sewer issue and we may have overlooked some of the other issues, namely traffic and soil contamination from the tire fire.

Paul Shear said that the applicant was going to address the tire fire issue to prove that the soils are not contaminated. Sean Hopkins said that they have receipts that show the debris was removed from the property. Paul Shear said that they have not provided documentation that shows the soils are not contaminated. Sean Hopkins said that they can prove that it was removed by a licensed contractor to a licensed facility. Rob Pidanic said that they would do a soil boring test for each building lot at permit time and deal with any problems then. Paul Shear said that it is his recollection that the tire fire area of concern was to the south of the parcel, which would be the last to be developed. "If that is the last area to be developed, then nobody would know there is a problem until there are already people living there."

John Moulin asked Mr. Pidanic if soil contamination would be looked at during a soil boring test. Rob Pidanic said that primarily, the test looks at the soil structure for stability purposes, but that soil contamination would be found out as well. Sean Hopkins said that the remnants of a tire fire would leave a discoloration of soil. Mr. Hopkins said that Steve Doleski, from the DEC said that he had no concerns if the debris has been removed to a licensed facility. Rich McNamara asked if there is a problem with the soil, don't you think we should find out now? Sean Hopkins said that he has checked with every agency that he could think of, and nobody had any information regarding that fire.

Phil Sgamma had submitted a letter to the board requesting that they consider a positive declaration on this project to perform a Phase I Environmental Test to analyze the soil from the tire fire. Dan Michnik suggested that the Harris Hill Fire Company might have some information. Paul Shear said that there would be documentation somewhere if the test was done. If there is no document, we have to assume it was never done.

Sean Hopkins said that he has spoken with the project sponsor, Vic Martucci, who said that if they cannot find any documentation, then they will do a Phase I investigation. They will confine their study to the area where the fire took place.

Wendy Salvati said that another area of concern is traffic. The level of service on Harris Hill Road indicates failure at peak hours on both intersections and the roadway itself. Rob Pidanic said that they have reviewed traffic studies from the Harris Hill Commons proposal and the Townwide Traffic Study that the Town did, and believe that the area has been studied to death. He said that the number of vehicle trips per hour at peak times would be 92. "Certainly this is

not a significant volume.” Rob Pidanic asked the board to waive the requirement of the Erie County Highway Engineer, Mike Asklar, P.E., for a traffic study.

Rich McNamara said that the Joint Planning Board and Town Board meeting that was held, it was brought up that we could deny any projects that outlet onto Harris Hill Road until some traffic mitigation measures are installed. Sean Hopkins said that he was also present and felt that the person who said that was referring to Harris Hill Commons. Rob Pidanic said that there were several mitigation measures recommended in the Harris Hill Commons study regarding the overall cumulative impacts of all the development proposed in this area. Paul Shear reiterated what was said at the Joint Planning Board/Town Board Meeting regarding building in the Harris Hill Road area without any mitigation being completed.

Rob Pidanic said that he doesn’t know that in the existing condition that there is a problem (with the level of service). Jim Callahan said that as part of the Master Plan 2015, the town conducted a traffic study that shows unacceptable levels of service with Harris Hill Road at peak hours. Sean Hopkins said that (his client) is not responsible for the existing problem and that this project will contribute an insignificant increase (to the traffic counts). Mr. Hopkins also said that Rob’s firm does traffic studies all the time and that typically they do not do studies for projects under 100 units. “The county does not require traffic studies for projects under 100 units.” John Moulin asked what happens when you have ten projects of just under 100 units? Rob Pidanic said that “now you are talking about cumulative impacts, and in this instance we are just talking about 92 units. They are not all going to come on line next year.” Wendy Salvati said that she does not know what other studies will show in terms of mitigation. Jim Hartz suggested that the applicant consult with the Erie County Highway Department on their five-year capital improvement plan to see when, if at all, they are going to implement any mitigation measures. They have a copy of the Town’s Traffic Study.

Wendy Salvati said that sewer capacity is a concern. Sean Hopkins said that they have met with Charles Alessi and he stated that 250 taps have been diverted from the Hidden Oaks service area and are now available. He is willing to say that we have capacity whether or not Spaulding Lake and (the other package plants are hooked up). We have pledged our cooperation. He believes nobody knows more about sewer capacity in Sewer District #5 than Mr. Charles Alessi, to the extent there is an inconsistency within DEC. Sean said that “the applicant would not do this project without sewer capacity. They will not do a septic field development here.” Paul Shear said that our concern is that there seems to be conflicting opinions on capacity. Rob Pidanic said that once they develop their plans for construction, then they will submit them to the County for approval. The Town Engineer has submitted a letter to you saying that there is sewer capacity for Fox Trace East Subdivision. Rob Pidanic said that they believe that they have addressed all of the environmental issues.

Rich McNamara said that when he was speaking with Steve Doleski the other day, he said that if there is available capacity in the district, the Town Board can prioritize it for the Hollow or Meadowbrook. Wendy Salvati said that he did say that there are several areas in Harris Hill that could use sewer service. Rob Pidanic said that they are currently 200’-300’ short of bringing the sewer line to service this project. We would make the sewer line available to Meadowbrook Drive residents if they so choose to have it. Wendy Salvati asked Rich McNamara to clarify his

position. Rich said that if we have few resources for sewer capacity, (the Town) should prioritize it for existing problems. Jim Hartz asked Sean Hopkins if Transit Valley Garden Patio Homes, a project located within Sewer District #5, would draw upon the available capacity of the district. Sean Hopkins said the he believes that it would not, he is not sure how that fits in.

Sean Hopkins said that they cannot tie into the Heise-Brookhaven Trunk Sewer. Paul Shear asked the applicant to provide a letter from Erie County Sewer District #5 that there is available capacity for this project. Rob Pidanick said that we have a letter from the Town Engineer saying that there is capacity. Paul Shear said that they also have letters saying that there is absolutely no capacity from Erie County and the DEC. Sean Hopkins said that they have done what was asked from them. Wendy Salvati said that since you have to wait for information about possible soil contamination, why can't you get a letter describing sewer capacity.

The Town has received letters from the DEC regarding wildlife species and they are not disturbing an area that has been identified as a potential area of historical significance. The area is not currently within the project boundaries. Sean Hopkins said that the two plant species have been checked for twice in six years and both times Don Wilson, has not found them on the property.

The board reviewed the EAF part II in order to clarify the issues of potentially large significant impacts. Wendy Salvati asked the board about soil contamination. "Are we ready to make a decision tonight or do you want the applicant to do research and provide us with documentation?" Rich McNamara said that he wants to see the documentation that there are no soil contaminants before making a recommendation. Sean Hopkins said that this is their third time before this board and they would like to move forward tonight. Wendy Salvati said "based on the results of a Phase I investigation, if they find contaminants, they will have to clean it up." Rich McNamara said that he would like to see it in writing before making a determination. Sean Hopkins said that, if you were the Lead Agency, then I would agree with you that you are not in a position to make an unequivocal recommendation on contamination tonight, however, you are just recommending the negative declaration.

**ACTION:** Motion by Paul Shear, seconded by Dan Michnik, that the board recommends a negative declaration be issued by the Town Board, pending receipt of documentation that there is sewer capacity from Sewer District #5, and that the soils do not contain any contamination from the tire fire that occurred between 1977 and 1981.

**VOTING:** All Ayes.

**MOTION PASSED**

**Agenda Item III- Strickler Road Estates – Hank Stockwell and Frank Rivett**

Neil Kochis, from William Schutt & Assoc., was present to describe the project for the applicants. There are (5) 5+acre lots and (18) 2-4 acre lots on 81 acres. Lead Agency has already been established. There are some mature trees on the property that the applicants would like to preserve as much as possible.

Wendy Savati said that the board was having difficulty with the request for topsoil stripping over the entire site. Sean Hopkins said that they are still proposing to do that, but in phases. Paul Shear asked why. Sean Hopkins said that the applicant's business is topsoil excavation. Neil Kochis said that on average there is 12"-14" of topsoil in the soil profile. Paul Shear asked that they are stripping the soil then filling with subsoil and placing the topsoil back on top? Neil Kochis said, yes, if that is what is required in the design. They do want to reroute a ditch that traverses the property. They are proposing to do some wetland mitigation in conformance with the U.S. Army Corp. regulations.

Sean Hopkins said that he believes this project has the type of density that the Town is looking for in this area. It would be in conformance with the Master Plan recommendations.

Jim Callahan asked if they will need a mining permit from the DEC. Sean Hopkins said that they would. DEC will be looking at the environmental impacts of the topsoil operation as well. Sean Hopkins said that the procedure for issuing a topsoil permit is outlined in State Law. They will seek comments from the Town on that application.

Wendy Salvati asked Don Owens about the soil structure and the suitability for septic systems on the property. The soils are poorly drained and she does not want to add to the pollution problems of the Hollow. Neil Kochis said that they will be installing sand filtered systems on over 2.2 acre minimums. He said that John Finster from the Erie County Health Department said that the amount of land they have to work with will not require the outlet of any effluent to ditches or streams. Don Owens said that the size of acreage should be sufficient for sand filtered systems if they are constructed properly.

Wendy Salvati said that Steve Doleski has a letter in the file requesting the Town issue a positive declaration on this project. Dan Michnik asked about the topsoil operation phasing. The applicant will be using the topsoil on site for the project and selling off any he does not need. Neil Kochis said that they would be selling lots off under New York State Realty Subdivision Law. "That means four lots every three years." The Health Department administers those laws for water line extensions and septic system approvals.

**ACTION:** Motion by Dan Michnik, seconded by Paul Shear, that the board recommend a negative declaration be issued by the Town Board after reviewing the EAF and information from interested and involved agencies.

**VOTING:** All Ayes.

**MOTION PASSED**

#### **Agenda Item IV- Country Club Drive Extension**

This item was removed from the agenda because the Planning Board has identified this item as a Type II action under SEQRA.

**Agenda Item V- Nesselbeck Road Extension**

This item was removed from the agenda.

**Agenda Item VI- Roy Jordan Open Development Area**

Roy Jordan said that he is trying to develop this property similar to the Stahley Road Property that he did two years ago. There will be three lots that have frontage on County Road and that exceed five acres in size. The other four lots have frontage on the private drive and are between 3-12 acres in size. The entire project area is 57 acres. There are some state and federal protected wetlands that he is working with the Army Corps of Engineers on a mitigation plan. There is a wildlife corridor that they would like to see preserved in the design.

**ACTION:** Motion by John Moulin, seconded by Dan Michnik, that the board recommend a negative declaration to the Town Board based on the EAF part I and II and the wetland delineation from the Army Corps of Engineers.

**VOTING:** All Ayes.

**MOTION PASSED**

**Agenda Item VII- Koby Environmental Industrial Park**

This item was tabled due to a lack of a revised EAF part I.

**Agenda Item VIII- Waterford Village PURD – Dana Marie Extension**

Jim Callahan said that the office has yet to receive any responses from involved agencies and the applicant is present to update the MRC. Don Owens was present to update the board on the soil conditions and the absence of any jurisdictional wetlands on the property.

Sean Hopkins said that because this is an Unlisted Action the board does not have to coordinate a review. Wendy Salvati said that we have decided to coordinate review at our last meeting.

Carolyn Pierce has performed a Cultural Resource survey of the property and has determined that no cultural resources will be impacted from the development of this site.

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Sean Hopkins said that the density of this project is comparable to the density that has been approved in the southern portion of the Waterford Village PURD. Kevin Curry said that he is providing a significant buffer to the northern property line for the residents of Thompsonwood Drive. He also gave an overview of the project design and asked for input from the board on the environmental issues.

Wendy Salvati said that the principle issue is density and how that affects the residents along Thompsonwood Drive. Rich McNamara said that density is his primary concern.

**ACTION:** Motion by Paul Shear, seconded by Dan Michnik, that the board table this item until the next meeting.

**VOTING:** All Ayes.

**MOTION PASSED**

**Agenda Item IX- Town Zoning Law Amendment**

This item was tabled because we are still waiting for comments from involved agencies.

The board adjourned the meeting at 9:30 p.m.

The next meeting was established for December 15, 2003.